

## INITIATIVE 172

I, Ralph Munro, Secretary of State of the State of Washington and custodian of its seal, hereby certify that, according to the records on file in my office, the attached copy of Initiative Measure No. 172 to the Legislature is a true and correct copy as it was received by this office.

1       AN ACT Relating to prohibiting discriminatory or preferential  
2 treatment; adding new sections to chapter 49.60 RCW; and creating a new  
3 section.

4 BE IT ENACTED BY THE PEOPLE OF THE STATE OF WASHINGTON:

5       NEW SECTION.   **Sec. 1.**   SHORT TITLE.   Chapter . . . , Laws of 1996  
6 (this act) shall be known as the antidiscrimination and  
7 antipreferential treatment act of 1996.

8       NEW SECTION.   **Sec. 2.**   DISCRIMINATION PROHIBITED   (1) Neither the  
9 state of Washington nor any of its political subdivisions or agents may  
10 use race, sex, color, ethnicity, national origin or status as a sexual  
11 minority as a criterion for granting preferential treatment to any  
12 individual or group.

13       (2) This section shall apply only to governmental action taken  
14 after the effective date of this section.

15       (3) Allowable remedies for violations of this section include  
16 reasonable attorneys' fees.

17       (4) Nothing in this section may be interpreted as prohibiting  
18 classifications based on sex that are reasonably necessary to the

1 normal operation of the state's system of public employment or public  
2 education.

3 (5) Nothing in this section shall be interpreted as invalidating  
4 any court order or consent decree that is in force as of the effective  
5 date of this section.

6 (6) Nothing in this section may be interpreted as prohibiting state  
7 action that is necessary to establish or maintain eligibility for any  
8 federal program, if ineligibility would result in a loss of federal  
9 funds to the state.

10 (7) If any part or parts of this section are found to be in  
11 conflict with federal law or the United States Constitution, the  
12 section shall be implemented to the maximum extent that federal law and  
13 the United States Constitution permit.

14 NEW SECTION. **Sec. 3.** Neither the state of Washington, nor its  
15 political subdivisions, shall deny any right expressly guaranteed by  
16 the Constitution of the state of Washington or the Constitution of the  
17 United States of America.

18 NEW SECTION. **Sec. 4.** The legislature finds that equal protection  
19 under the law is a fundamental principle of constitutional government  
20 and is essential to the well-being and perpetuation of a free society.  
21 The legislature further finds that there is a legitimate and compelling  
22 state interest in ensuring equal protection under the law for each  
23 individual as an indispensable prerequisite for guaranteeing the rights  
24 of all citizens.

25 NEW SECTION. **Sec. 3.** SEVERABILITY. If any provision of this act  
26 or its application to any person or circumstance is held invalid, the  
27 remainder of the act or the application of the provisions to other  
28 persons or circumstances is not affected.

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